

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Robert M. Lorence	Atty. Ref.:	18025-PCTUS
Appl. No.:	10/518,732	Group Art Unit:	1648
Filed:	December 20, 2004	Examiner:	Bao Q. Li
Conf. No.:	3190	Customer No.:	31976
For:	ADMINISTRATION OF THERAPEUTIC VIRUSES		

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November 21, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO OFFICE ACTION

This Communication is submitted in response to the November 20, 2006 Office Action in connection with the above-identified patent application. A response to the Office Action is due December 20, 2006. Accordingly, this Communication is being timely filed.

The Office Action required restriction between two groups that allegedly are not so linked as to form a single general inventive concept under Rule 13.1 PCT. In response, applicant hereby elects the invention of Group I (claims 1-6, 9, 12, 17, 21-23, 26-30, 33-34, 37, 52 drawn to a method for treating a subject with a paramyxovirus NDV) with traverse. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

Contrary to the Office Action, the inventions listed as Groups I and II do possess unity of invention. In accordance with this invention, a negative-stranded RNA virus is administered in two or more desensitization doses followed by one or more escalated doses. The administration regimen recited in the claims provides a unifying special

technical feature. Accordingly, Groups I and II relate to a single general inventive concept within the meaning of Rule 13.1 PCT.

Moreover, applicant notes that during international phase the U.S. Patent and Trademark Office acting as International Searching Authority and as International Preliminary Examining Authority made no finding of alleged lack of unity. Rather, the international search and preliminary examination extended to the full scope of the claims. Thus the history of the international phase application supports applicant's position that Groups I and II possess unity of invention under Rule 13.1 PCT.

It is believed that no fee is required in connection with the filing of this Communication. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,

/Lewis J. Kreisler/
Lewis J. Kreisler
Reg. No. 38522
Attorney for Applicant(s)

930 Clopper Road
Gaithersburg, MD 20878
Phone: (240) 631-2500 x3276
Facsimile: (240) 683-3794